

IN RE: PETITION FOR VARIANCE

W/S Greene Tree Rd., NW/S Avalon Way,  
NE/S Reisterstown Rd., E/S Old  
Craddock Lane (Courts 6, 7, 8, 9A and 9B  
of Avalon Village Green)  
3<sup>rd</sup> Election District  
3<sup>rd</sup> Council District

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 02-233-A

Avalon Village Green Assoc., LLC  
Petitioners

\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Avalon Village Green Associates, LLC, by John B. Colvin, Vice President, through their attorney, Deborah C. Dopkin, Esquire. The Petitioners request a variance from Section 1B01.2.C.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance between facing windows of as little as 10 feet in lieu of the minimum required 40 feet between Buildings 6 & 7, 11 & 12, 14 & 15, 17 & 18, and 25 & 26. In addition, relief is sought to permit a distance of 30 feet in lieu of the required 40 feet between Buildings 18 & 19, and a distance of 22 feet in lieu of the required 40 feet between Buildings 21 & 22. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were John B. Colvin on behalf of Avalon Village Green, LLC, property owners; Mitchell Kellman, a representative of Daft-McCune-Walker, Inc., the consultants who prepared the site plan for this property; and, Deborah C. Dopkin, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Jeanette Abramson, President of Craddock Estates Community Association, the adjacent community, and Ralph C. Morehead, a nearby resident. In addition to those individuals, letters in opposition to the request were received from a number of neighbors; however, it appears that a number of those individuals misunderstood the requested relief.

ORDERED FOR FILING

Date

By

3/6/02  
[Signature]

The subject property under consideration is part of a large residential subdivision known as Avalon East, located on the northeast side of Reisterstown Road in Owings Mills. Essentially, this is the final phase of the build-out of that project. This subdivision was originally approved by action of the County Review Group (CRG) in 1992. At that time, the CRG was the administrative body which approved residential development in Baltimore County. Although the CRG and its attendant process have been replaced, the regulations then in place continue to govern CRG-approved plans. The subject parcel encompasses approximately 39 acres, split zoned D.R.3.5, D.R.5.5, D.R.10.5, and O-2, and is bisected by two public roads, including Avalon Way and Greene Tree Road.

Under the subject proposal, there are 29 buildings proposed, which will collectively contain 255 units. As noted above, variance relief is requested for 13 of the buildings. The regulation from which variance relief is sought governs required distances between facing windows in adjacent buildings. Specifically, the regulation requires that a minimum of 40 feet be maintained between facing windows; however, there are certain exceptions to this requirement. Apparently, some of the buildings are currently under construction. Indeed, this is a source of contention among many of the adjacent property owners who submitted letters in opposition. Those individuals questioned how the buildings could be constructed when the variance relief requested has not yet been obtained. The answer to this question is quite simple; the regulation governs the required distance between windows, not facing walls. Thus, this Developer could proceed with construction and delete windows in certain units or modify the windows to fall within one of the permitted exceptions. That is, it is not the distance between buildings that is relevant, but the distance between facing windows.

Mr. Kellman offered undisputed testimony in support of the proposal. He noted that the property at issue is unique, given a series of environmental features and the public roads noted above. Due to these site constraints, certain of the buildings have been clustered to provide more open space and respect the environmental features associated with this property. He also noted that all of the variances relate to buildings within Avalon East, and not adjacent properties. That

is, the variances are all internal and related to buildings within the subdivision. Additionally, schematic drawings of the proposed buildings were offered at the hearing which fully depict the relief requested.

Subsequent to the hearing, an amended Zoning Advisory Committee (ZAC) comment was received from the Office of Planning. The timing of the submission of this comment was agreed to by the parties at the hearing. The Office of Planning does not object to the variance requested; however, they request that the Zoning Commissioner condition approval upon the Petitioners' compliance with the Final Landscape Plan and requisite notes as provided for the 10<sup>th</sup> Amended CRG Plan for Avalon.

It is axiomatic that the imposition of any condition or restriction be related to the relief granted. In this regard, within its ZAC comment, the Office of Planning indicates that this area of development is subject to the Residential Transition Area (RTA) requirements contained in Section 1B01.1.B.1 of the B.C.Z.R. They note that "Because the request for variances of building to building setbacks directly affects the entire area, especially the area generating the RTA, there exists a nexus to condition the approval of the Final Landscape Plan on the granting of the variances." Admittedly, the Office of Planning mischaracterized the variance requests in describing same as "building to building" in that same are rather "window to window" variances. Nonetheless, the massing of the structures is a legitimate concern.

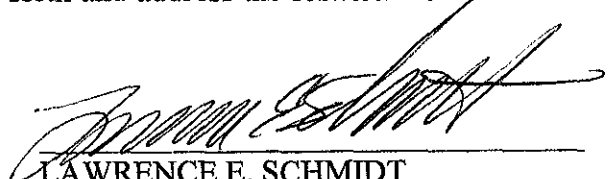
Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. Moreover, although a close case, I find that the Planning comment does have merit and should be imposed as a restriction upon the relief granted. Thus, compliance with the Planning comment will be required as a condition to the grant of the variance.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

3/6/02  
Jep  
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6<sup>th</sup> day of March, 2002 that the Petition for Variance seeking relief from Section 1B01.2.C.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance between

facing windows of as little as 10 feet in lieu of the minimum required 40 feet between Buildings 6 & 7, 11 & 12, 14 & 15, 17 & 18, and 25 & 26, a distance of 30 feet in lieu of the required 40 feet between Buildings 18 & 19, and a distance of 22 feet in lieu of the required 40 feet between Buildings 21 & 22, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comment submitted by the Office of Planning dated February 12, 2002, a copy of which is attached hereto and made a part hereof. All landscaping shall be consistent with the requirements of the Landscape Manual. The installation of the required landscaping shall be completed within nine (9) months from the date of this Order.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 5/6/02  
By [Signature]



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

March 6, 2002

Deborah C. Dopkin, Esquire  
409 Washington Avenue, Suite 920  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
NE/S Reisterstown Rd., W/S Greene Tree Rd., NW/S Avalon Way, E/S Old Craddock Lane  
(Courts 6, 7, 8, 9A & 9B of Avalon Village Green)  
3<sup>rd</sup> Election District – 3<sup>rd</sup> Council District  
Avalon Village Green Associates, LLC - Petitioners  
Case No. 02-233-A

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. John B. Colvin, V.P., Avalon Village Green, LLC  
124 Slade Avenue, Baltimore, Md. 21208  
Mr. Mitchell Kellman, Daft-McCune-Walker, Inc.  
200 E. Pennsylvania Avenue, Towson, Md. 21204  
Ms. Jeannette Abramson, 9 Rush Vine Court, Owings Mills, Md. 21117  
Mr. Ralph C. Morehead, 28 Barbican Way/Baltimore, Md. 21208  
Office of Planning; People's Counsel; Case File





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 446 Green Tree Rd. ~~1415~~ AVALON Way  
which is presently zoned DR 3.5, S.5, 10.5 & O.2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.C.2b to permit as close as 10 feet between facing windows in lieu of the minimum of 40 feet. See attached chart.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

to be presented at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Deborah C. Dopkin, Esquire

Name - Type or Print

Signature

Deborah C. Dopkin, P.A.

Company

409 Washington Avenue, Suite 920 410-494-8080

Address

Towson,

MD

Telephone No.

21204

State

Zip Code

## Legal Owner(s):

Avalon Village Green Associates LLC

Name - Type or Print

By:

Signature

John B. Colvin, Vice President

Name - Type or Print

Signature

124 Slade Avenue

(410) 486-1234

Address

Baltimore, Maryland

Telephone No.

21208

City

State

Zip Code

## Representative to be Contacted:

Deborah C. Dopkin, Esquire

Name

409 Washington Avenue, #920 (410) 494-8080

Address

Towson,

MD

Telephone No.

21204

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JRF

Date 12/4/01

Case No. 02-233-A

By 220 9/15/98

ORDER RECEIVED FOR FILING

Date

By

FACING WINDOW VAIANCE REQUEST	
BUILDING NUMBER	DISTANCE (FEET)
6 AND 7	10' IN LIEU OF 40'
11 AND 12	10' IN LIEU OF 40'
14 AND 15	10' IN LIEU OF 40'
17 AND 18	10' IN LIEU OF 40'
18 AND 19	30' IN LIEU OF 40'
21 AND 22	22' IN LIEU OF 40'
25 AND 26	10' IN LIEU OF 40'

ORDER RECEIVED FOR FILING  
 Date 3/6/12  
 By [Signature]

**Description to Accompany Petition for Zoning Variance**

**9.41 Acre Parcel**

**West Side of Greene Tree Road**

**Northwest Side of Avalon Way**

**Northeast Side of Reisterstown Road**

**East Side of Old Craddock Lane**

**Third Election District, Baltimore County, Maryland**



**Daft•McCune•Walker, Inc.**

*300 East Pennsylvania Avenue*

*Towson, Maryland 21286*

*<http://www.dmw.com>*

*410 296 3333*

*Fax 410 296 4705*

*A Team of Land Planners,*

*Landscape Architects,*

*Golf Course Architects,*

*Engineers, Surveyors &*

*Environmental Professionals*

Beginning at the point on the southwest side of Greene Tree Road (60 feet wide) at the end of the second of the two following courses and distances measured from the intersection of the centerline of Greene Tree Road with the centerline of Avalon Way (100 feet wide), (1) Northwesterly 70 feet and thence (2) Southwesterly 30 feet, thence leaving said point of beginning and binding on the northwest side of Avalon Way, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, the three following courses and distances, viz: (1) South 02 degrees 43 minutes 40 seconds East 28.28 feet, thence (2) South 47 degrees 43 minutes 40 seconds West 365.00 feet, and thence (3) North 87 degrees 14 minutes 24 seconds West 28.30 feet to the northeast side of Reisterstown Road (80 feet wide), thence binding thereon (4) North 42 degrees 16 minutes 20 seconds West 339.95 feet to the east side of Old Craddock Lane (variable width), thence binding thereon the four following courses and distances, viz: (5) North 05 degrees 40 minutes 40 seconds East 334.56 feet, thence (6) North 05 degrees 30 minutes 59 seconds East 575.13 feet, to a point of curvature, thence (7) Northeasterly by a line curving to the left having a radius of 945.91 feet for a

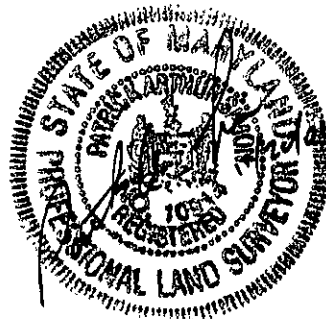


distance of 85.59 feet (the arc of said curve being subtended by a chord bearing North 02 degrees 47 minutes 02 seconds East 85.56 feet) and thence (8) North 55 degrees 59 minutes 17 seconds East 24.10 feet to the southwest side of Greene Tree Road, thence binding thereon the five following courses and distances, viz: (9) South 67 degrees 55 minutes 16 seconds East 70.69 feet to a point of curvature, thence (10) Southeasterly with a line curving to the right having a radius of 354.48 feet for a distance of 428.91 feet (the arc of said curve being subtended by a chord bearing South 33 degrees 15 minutes 29 seconds East 403.22 feet) to a point of tangency, thence (11) South 01 degree 24 minutes 19 seconds West 264.79 feet to a point of curvature, thence (12) Southeasterly by a line curving to the left having a radius of 500.00 feet for a distance of 381.16 feet (the arc of said curve being subtended by a chord bearing South 20 degrees 26 minutes 01 second East 371.99 feet) to a point of tangency, and thence (13) South 42 degrees 16 minutes 20 seconds East 8.67 feet to the point of beginning; containing 9.41 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

November 19, 2001

Project No. 94104 (L94104 - #5)



**Description to Accompany Petition for Zoning Variance**

**9.29 Acre Parcel**

**East Side of Greene Tree Road**

**Southeast Side of Harvest Rush Road**

**Third Election District, Baltimore County, Maryland**



**Daft•McCune•Walker, Inc.**

*200 East Pennsylvania Avenue*

*Towson, Maryland 21286*

*<http://www.dmw.com>*

*410 296 3333*

*Fax 410 296 4705*

*A Team of Land Planners,*

*Landscape Architects,*

*Golf Course Architects,*

*Engineers, Surveyors &*

*Environmental Professionals*

Beginning for the same at the point on the northeast side of Greene Tree Road (60 feet wide) at the end of the second of the two following courses and distances measured from the intersection of Greene Tree Road and Avalon Way (100 feet wide), (1) Southeasterly 31 feet and thence (2) Northeasterly 30 feet to the point of beginning, thence binding on the northeast and east sides of Greene Tree Road, referring all courses of this description to the Grid Meridian established in the Baltimore County District, the four following courses and distances, viz: (1) North 42 degrees 16 minutes 20 seconds West 109.51 feet to a point of curvature, thence (2) Northwesterly by a line curving to the right having a radius of 440.00 feet, for a distance of 335.42 feet (the arc of said curve being subtended by a chord bearing North 20 degrees 26 minutes 01 second West 327.36 feet) to a point of tangency, thence (3) North 01 degree 24 minutes 19 seconds East 277.61 feet to a point of curvature, and thence (4) Northwesterly by a line curving to the left having a radius of 395.94 feet for a distance of 108.93 feet (the arc of said curve being subtended by a chord bearing North 06 degrees 28 minutes 34 seconds West 108.54 feet) to the southeast side of Harvest Rush Road (50 feet wide) thence binding thereon, the four following courses and distances, viz: (5) North 25 degrees 17 minutes 49 seconds East 22.91 feet, thence (6) North 66 degrees 11 minutes 34 seconds East 47.34 feet to

a point of curvature, thence (7) Northeasterly by a line curving to the left having a radius of 225.00 feet for a distance of 275.70 feet (the arc of said curve being subtended by a chord bearing North 31 degrees 05 minutes 23 seconds East 258.77 feet) to a point of tangency, and thence (8) North 04 degrees 00 minutes 49 seconds West 59.01 feet, thence running the twenty two following courses and distances, viz:

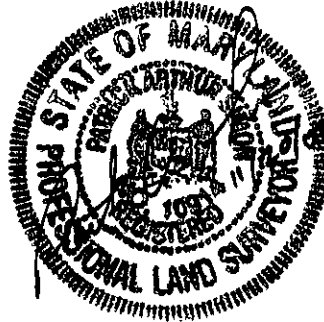
(9) North 85 degrees 34 minutes 16 seconds East 87.17 feet, thence (10) South 16 degrees 13 minutes 46 seconds West 98.53 feet, thence (11) South 54 degrees 11 minutes 17 seconds East 72.70 feet, thence (12) South 27 degrees 43 minutes 33 seconds East 136.34 feet, thence (13) South 56 degrees 05 minutes 07 seconds East 33.09 feet, thence (14) North 86 degrees 50 minutes 22 seconds East 111.31 feet, thence (15) North 32 degrees 28 minutes 30 seconds East 113.74 feet, thence (16) North 42 degrees 15 minutes 50 seconds East 71.60 feet, thence (17) South 74 degrees 36 minutes 41 seconds East 26.00 feet, thence (18) South 33 degrees 12 minutes 39 seconds East 81.37 feet, thence (19) South 17 degrees 31 minutes 33 seconds West 72.94 feet, thence (20) South 37 degrees 34 minutes 26 seconds West 105.71 feet, thence (21) South 02 degrees 51 minutes 51 seconds West 128.46 feet, thence (22) South 18 degrees 12 minutes 35 seconds West 198.95 feet, thence (23) South 13 degrees 51 minutes 55 seconds West 45.71 feet, thence (24) South 05 degrees 34 minutes 07 seconds West 48.84 feet, thence (25) South 39 degrees 55 minutes 47 seconds East 15.31 feet, thence (26) South 68 degrees 27 minutes 38 seconds West 174.34 feet, thence (27) South 21 degrees 32 minutes 21 seconds East 25.00 feet, thence (28) South 68 degrees 27 minutes 38 seconds West 56.20 feet, thence (29) South 34 degrees 58 minutes 38 seconds West 131.64 feet, and thence (30) South 22

degrees 31 minutes 08 seconds West 122.25 feet to the point of beginning containing 9.29 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

November 19, 2001

Project No. 94104 (L94104 - #6)



BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No.

06173

DATE

12-4-01

ACCOUNT

001-006-0150

AMOUNT

\$ 250.00

RECEIVED

FROM:

001-006-0150

FOR:

001-006-0150

TAKEN BY JRF

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

001-006-0150

001-006-0150

001-006-0150

001-006-0150

001-006-0150

001-006-0150

001-006-0150

001-006-0150

001-006-0150

001-006-0150

001-006-0150

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-233-A

Avalon Village Green

NE/S Reisterstown Road NW + SE of Avalon Way

3rd Election District - 3rd Councilmanic District

Legal Owner(s): John B. Colvin,

Avalon Village Green Associates LLC

Variance: to permit as close as 10 feet between facing windows in lieu of the minimum of 40 feet between buildings 6 & 7, 11 & 12, 14 & 15, 17 & 18, 19 & 21, 22 & 25, 26

Hearing: Thursday, February 7, 2002, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/7/71 Jan. 22

C516738

## CERTIFICATE OF PUBLICATION

1/24/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/22/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

RE Case No 02-233-A  
Petitioner/Developer: AVALON, ETAL  
% MITCH KELLMAN  
Date of Hearing/Closing: 2/7/02

296-4705 IF

296-4705

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens **GEORGE ZANNER**

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at E/S. - PEISTERSTOWN RD  
@ AVALON GREEN

The sign(s) were posted on 1/20/02  
(Month, Day, Year)

Post-It® Fax Note	7571	Date	From	To	Phone #	Fax #	# of pages

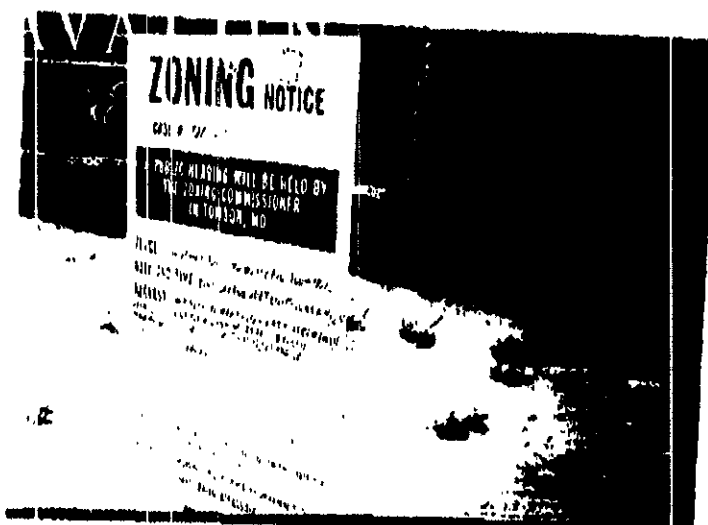
Sincerely,  
Patrick M. O'Keefe 1/22/02  
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE  
(Printed Name)

523 PENNY LANE  
(Address)

HUNT VALLEY, MD. 21030  
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571  
(Telephone Number)



## CERTIFICATE OF POSTING

REPOSTING

RE: Case No. 02-233-APetitioner/Developer: COLVIN, ETALMITCH KELLMANDate of Hearing/Closing: 2/7/02296-4705 <sup>10 AM</sup>

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens GEORGE ZAHNER

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at E/S REISTERSTOWN  
RD. N/S INTERSECTION

AYALON EAST 300'S CRADDOCK LK.

The sign(s) were posted on 1ST POSTED-VANDALIZED / 2ND POSTED 1/22/02  
(Month, Day, Year) POSTED

Sincerely,

Patrick M. O'Keefe 2/1/02

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)

## ZONING NOTICE

CASE # 02-233 A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: COUNTY COURTS BUILDING 101 PENNY LANE, ROOM 407DATE AND TIME: THURSDAY, FEBRUARY 7, 2002 @ 10:00 A.M.

REQUEST: VARIANCE TO PERMIT AS CLOSE AS 10 FEET BETWEEN  
WINDOWS IN LIEU OF THE MINIMUM OF 40 FEET BETWEEN  
BUILDINGS 6, 7, 11, 12, 14, 15, 17, 18, 19, 21, 23, 25 AND 26  
(AYALON)

E/S REISTERSTOWN  
RD 300'S CRADDOCK LK

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3281

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW  
HANDICAPPED ACCESSIBLE

4th brand fax transmittal memo 7671	To	From	Phone	Fax
	Mr. P. O'KEEFE	Mr. P. O'KEEFE	512 4621	
	Co. ZONING COMM	Co.		
	Dept.			
	Fax # 410-887-3468			



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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#### For Newspaper Advertising:

Item Number or Case Number 02-233 A

Petitioner: AVALON VILLAGE GREEN ASSOCIATES, LLC

Address or Location: ~~415~~ GREENTREE RD <sup>E</sup> ~~1715~~ AVALON WAY

#### PLEASE FORWARD ADVERTISING BILL TO:

Name: Deborah C. Dopkin, Esq

Address: 409 Washington Ave ST 920  
Towson, MD 21204

Telephone Number: 410 494 8080

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, January 22, 2002 Issue – Jeffersonian

Please forward billing to:  
Deborah C Dopkin  
409 Washington Avenue  
Suite 920  
Towson MD 21204

410 494-8080

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## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-233-A

Avalon Village Green

NE/S Reisterstown Road NW + SE of Avalon Way

3<sup>rd</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: John B Colvin, Avalon Village Green Associates LLC

Variance to permit as close as 10 feet between facing windows in lieu of the minimum of 40 feet between buildings 6 & 7, 11, & 12, 14 & 15, 17, & 18, 19, & 21, 22, & 25, 26.

HEARING: Thursday, February 7, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Director's Office  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
410-887-3353  
Fax: 410-887-5708

January 14, 2002

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-233-A

Avalon Village Green

NE/S Reisterstown Road NW + SE of Avalon Way

3<sup>rd</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: John B Colvin, Avalon Village Green Associates LLC

Variance to permit as close as 10 feet between facing windows in lieu of the minimum of 40 feet between buildings 6 & 7, 11, & 12, 14 & 15, 17, & 18, 19, & 21, 22, & 25, 26.

HEARING: Thursday, February 7, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GDC  
Director

C: Deborah C Dopkin, Esquire, 409 Washington Avenue, Suite 920, Towson 21204  
John B Colvin, VP, Avalon Village Green Associates LLC, 124 Slade Avenue,  
Baltimore 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 23, 2002.**  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

February 1, 2002

Deborah C Dopkin Esquire  
409 Washington Avenue  
Suite 920  
Towson MD 21204

Dear Ms. Dopkin:

RE: Case Number: 02-233-A, Avalon Village Green

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 4, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

*W. Carl Richards, Jr.*

W. Carl Richards, Jr. GDZ  
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: John B Colvin VP, Avalon Village Green Associates, 124 Slade Avenue,  
Baltimore 21208  
People's Counsel

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director **DATE:** January 24, 2002  
Department of Permits & Development Mgmt.

**FROM:** *RWB* Robert W. Bowling, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 7, 2002  
Item Nos. 221, 222, 224, 225, 226, 227,  
228, 229, 231, 232, 233, 234, 237, 239,  
and 240

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

January 4, 2002

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 31, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, ~~233~~ 234,  
235, 236, 237, 238, 239, and 240

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office  
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

2/7

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** February 5, 2002

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** Greenetree Road and Avalon Way

### INFORMATION:

**Item Number:** 02-233  
**Petitioner:** Deborah C. Dopkin  
**Property Size:** 38.60 acres  
**Zoning:** DR 3.5, DR 5.5, DR 10.5, 0-2  
**Requested Action:** Variance  
**Hearing Date:** 2/7/01

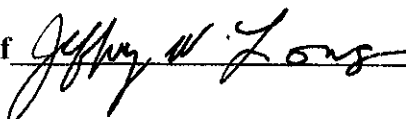
FEB - 6 2002

### REQUEST:

The variance being requested in this case is from Section 1B01.2.C 2b of the BCZR to permit as close as 10 feet between facing windows in lieu of the minimum of 40 feet. The subject property is a 38.60-acre site that comprises Courts 6, 7, 8, 9A and 9B of the Avalon East residential development located in the 9100 block of Reisterstown Road. The applicant proposes to construct 255 multifamily dwelling units with 604 accessory parking spaces. Seven of the proposed buildings will have less than the required 40 feet between windows facing windows, thus necessitating the requested variance. This proposal is part of the previously approved Avalon CRG plan, with the most recent refinement being granted on 8/8/01.

**The Office of Planning respectfully requests a postponement of this case or the opportunity to submit comments after the February 7, 2002 hearing on this matter.**

Section Chief



AFK:LH:lsn

As  
2/7

**BALTIMORE COUNTY, MARYLAND  
INTEROFFICE MEMORANDUM**

**TO:** Larry Schmidt, Zoning Commissioner

**DATE:** February 12, 2002

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** Avalon 10<sup>th</sup> Amended CRG Plan Variances

**FEB 14 2002**

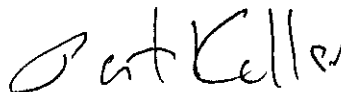
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The Office of Planning submitted comments dated February 5, 2002 regarding the petitioners to reduce window to window distances of 40 feet to 10 feet in seven instances.

The Office of Planning requests that the Final Landscaping Plan and requisite notes as provided be attached as conditions of approval for the variances requested. Staff bases this request on the wording provided in Sec. 307.1 BCZR which states "Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, and only in such a manor as to grant relief without injury to public health, safety and general welfare."

The variances requested are all located within the area designated as the 10<sup>th</sup> Amended CRG Plan for Avalon. Within this area compliance with Section 1B01.1.B.1. of the BCZR, Residential Transition Area, was triggered by the development. As part of the RTA, the applicant is required to meet additional landscaping standards above and beyond what is normally provided.

Because the request for variances of building to building setbacks directly effects the entire area, especially the area generating the RTA, there exists a nexus to condition the approval of the Final Landscape Plan on the granting of the variances. The Landscape Plan is tied directly to the zoning and development of this section of the Avalon CRG.



Arnold F. 'Pat' Keller, III

AFK:rk



**BALTIMORE COUNTY, MARYLAND  
INTEROFFICE MEMORANDUM**

**TO:** Lawrence E. Schmidt, Esquire  
Baltimore County Zoning Commissioner

**DATE:** April 3, 2004

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

APR 5 2004

**SUBJECT:** Zoning Case 02-233 A  
Avalon Village Green

---

The Office of Planning is in receipt of your order dated March 6, 2002. Please accept thanks and appreciation for supporting the Final Landscape Plan as it pertains to the conditions of approval for the variances. The Planning Office Staff has spent many hours working with the residents of Craddock Estates and Mr. John Colvin in addressing the grading, landscaping, and residential transition area requirements. Your support and reinforcing of these provisions as part of the variance approval is greatly appreciated.

Please be advised that in the course of finalizing the landscape plan, the issue of conversion of the sediment control pond into a stormwater management facility was discussed. The actual final landscaping around the pond area will be contingent upon the County approving the conversion of the facility. This conversion may take longer than the nine months imposed by the order. The Office of Planning and County agencies will undertake all due diligence to have the pond converted within the specified period of time, however, the conversion may take longer than nine months to complete.

Again, thank you for all your help with this case.

  
Arnold F. 'Pat' Keller, III

AFK:rk



**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 1.2.02

Mr. George Zahner  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. [REDACTED] JTF

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

*Kr* Kenneth A. McDonald Jr., Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

**Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717**  
**Street Address: 707 North Calvert Street • Baltimore, Maryland 21202**

RE: PETITION FOR VARIANCE  
Avalon Village Green, NE/S Reisterstown Rd,  
NW & SE of Avalon Way  
3rd Election District, 3rd Councilmanic

Legal Owner: Avalon Village Green Associates LLC  
Petitioner(s)

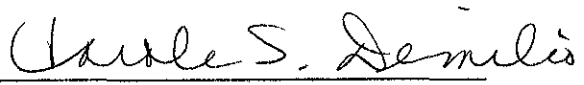
\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 02-233-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioner(s).

  
PETER MAX ZIMMERMAN

DEBORAH C. DOPKIN, P.A.  
ATTORNEY AT LAW  
409 WASHINGTON AVENUE, SUITE 920  
TOWSON, MARYLAND 21204  
TELEPHONE 410-494-8080  
FACSIMILE 410-494-8082  
e-mail dbdop@erols.com

FEB 15

DEBORAH C. DOPKIN

February 14, 2002

VIA FACSIMILE TRANSMISSION  
AND FIRST CLASS MAIL

Lawrence E. Schmidt, Esquire  
Zoning Commissioner for  
Baltimore County  
County Courts Building  
401 Bosley Avenue, Suite 405  
Towson, Maryland 21204

RE: Avalon Village Green  
Petition for Variance  
Case No. 02-233-A

Dear Mr. Schmidt:

Thank you for having your office provide me with a copy of the comments of the Office of Planning in connection with the above caption case, which we have not yet received from that office.

Upon review of Mr. Keller's comments, it appears that none of the matters raised in his interoffice memorandum directly relate to or are affected by the window to window variances that are the subject of this case. The matters raised in Mr. Keller's memorandum are governed by the CRG regulations and Plan. As is required, the developer will comply with the approved 10<sup>th</sup> Amended CRG Plan for Avalon. I hope you will agree that it is not necessary to add extraneous conditions to the rather narrow subject of the zoning petition in this case.

Thank you once again for providing us with a copy of the comments and for your consideration.

Very truly yours,

  
Deborah C. Dopkin

DCD/kmc  
cc: Avalon Village Green  
C:\docs\DCD\ZONING\Avalon\VillageGreen\schmidt.ltr

DEBORAH C. DOPKIN, P.A.  
920 MERCANTILE - TOWSON BUILDING  
409 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204-4513

FAX TRANSMISSION LEAD SHEET

NOTICE

The information contained in the following pages is PRIVILEGED AND CONFIDENTIAL and belongs to Deborah C. Dopkin, P.A., and/or its clients. The information is intended solely for the use of the person or entity named below to whom it is addressed. Deborah C. Dopkin, P.A. expressly preserves and asserts all privileges and immunities applicable to this transmission. If you are not the intended recipient or an agent or employee of the intended recipient, then you have received this transmission in error -- READ ONLY THIS COVER SHEET, immediately call the phone number below to explain that you have received this transmission in error, and return all pages to us by mail. If you are not the intended recipient, any review, examination, use, disclosure, reproduction, or distribution of this transmission or the information contained herein is PROHIBITED.

DATE: February 14, 2002

NAME: Lawrence E. Schmidt

COMPANY: Zoning Commissioner  
for Baltimore County

FAX: (410) 887-3468

RE: Avalon Village Green

SENDER: Deborah C. Dopkin, Esquire

920 Mercantile - Towson Building  
409 Washington Avenue  
Towson, Maryland 21204

Please contact (410) 494-8080 should you experience any problem with this transmission.

Fax Number: (410) 494-8082

Number of Pages, Including This Lead Sheet: 2

Hard Copy to Follow? Yes

Comments to Recipient:



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

April 10, 2002

Deborah C. Dopkin, Esquire  
409 Washington Avenue, Suite 920  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
Avalon Village Green  
Case No. 02-233-A

Dear Ms. Dopkin:

In response to your letter dated April 5, 2002 and inter-office correspondence from Arnold Pat Keller, Director of the Office of Planning, dated April 3, 2002, concerning the above-captioned matter, the following comments are offered.

Both correspondence indicate that the conversion of the sediment control pond on the subject site into a storm water management facility and the timing of the required landscaping may take longer than the 9-month deadline which was established as a restriction/condition in my Order. By insertion of a copy of this letter into the zoning case file, I am informally amending that requirement in deference to the new schedule provided by Mr. Keller. Obviously, the landscaping should be completed as soon as is practical and appropriate. I would recommend that either you or Mr. Keller contact me again on or about September 1, 2002 to advise me as to the status of the matter at that time and a more definitive completion date can then be established.

Please contact me should you have any further questions on the subject.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Arnold Pat Keller, Office of Planning  
Case File



DEBORAH C. DOPKIN, P.A.  
ATTORNEY AT LAW  
409 WASHINGTON AVENUE, SUITE 920  
TOWSON, MARYLAND 21204

TELEPHONE 410-494-8080  
FACSIMILE 410-494-8082  
e-mail dbdop@erols.com

Please note new phone numbers:  
Telephone: 410-296-5120  
Facsimile: 410-296-5128

DEBORAH C. DOPKIN

April 5, 2002

APR 9

Mr. Lawrence E. Schmidt  
Zoning Commissioner for  
Baltimore County  
County Courts Building  
401 Bosley Avenue, Suite 405  
Towson, Maryland 21204

**RE: Avalon Village Green**  
**Case No. 02-233-A**

Dear Commissioner Schmidt:

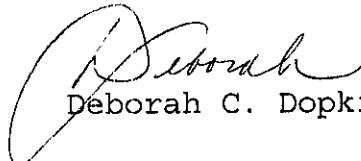
I am in receipt of a memo dated April 3, 2002 from Arnold Pat Keller to you regarding the above captioned zoning case.

The memo addresses the conversion of the sediment pond to a storm water management pond and the timing of the required landscaping.

By letter dated February 11, 2002 to John Colvin, Mr. Keller agreed to defer the completion of the landscaping for the storm water management pond. (See paragraph no. 3) I thought it would be helpful to you to have a copy of that correspondence for your records since Mr. Keller sent the letter to the developer after the zoning hearing.

Thank you for your attention to this matter. If you should have any questions, please do not hesitate to contact me.

Very truly yours,



Deborah C. Dopkin

DCD/kmc  
cc: Mr. John Colvin  
C:\docs\KMC\DCD\LETTERS 2002\Schmidt Lawrence2.wpd

**HARRIET F. RUBINSON**

50 Barbican Way

◆ Pikesville, MD 21208 ◆

(410) 484-8952

**VIA FAX – 410-887-3468**

Mr. Lawrence Schmidt  
Zoning Commissioner of Baltimore County  
County Office Building - 111 West Chesapeake Avenue  
Towson, MD 21204

**FEB - 5 2011**

RE: **Petition for Variance**  
**Case #02-233-A**  
Avalon Village Green Associates, LLC  
Location: NE/S Reisterstown Rd. NW + SE of Avalon Way

Dear Mr. Schmidt:

I am writing in reference to the above petition for a building variance. The hearing is scheduled for this Thursday, February 7th.

Avalon Village Green Associates has apparently erected buildings which are less than 40 feet from each other -- for example, Buildings 25 and 26 are only 10 feet from one another. Evidently, construction started after the petition was made before a ruling rendered by the county.

The requisite public notice to alert the community about the request for a zoning variance was up only briefly. It first appeared by the Avalon East Community sign on Reisterstown Road on the morning of 1/22 and remained there only 2-3 days before it was it was disappeared. Does this really fulfill the petitioner's responsibility to post the request for zoning variance?

I'm wondering what the effect of these buildings being so close together will be in terms of the zoned density for this area and hope you will carefully review these issues before granting a variance. How many more units will the builder be erecting? How many more people will there be in this area as a result? Will there be planned parking commensurate with this increase? What about the impact on the area's already congested traffic pattern? Does this variance pertain only to those buildings that are already erected? Or will the builder be permitted to continue to erect housing units one on top on another? Is this best for the community? I don't think so.

Thanks very much for your attention.

Sincerely,

Harriet Robinson  
Homeowner – Avalon East

cc: Councilman Kevin Kamenetz



8920 Griffin Way  
Baltimore, Md. 21208

Lawrence Schmidt  
Zoning Commissioner of Baltimore County

VIA FAX - 410-887-3468

RE: Case #02-233-A  
Avalon Village Green Associates, LLC  
Petition for Variance

Dear Sir:

Reference is made to the above-captioned case number wherein the petitioner is requesting a variance in the distance between facing windows.

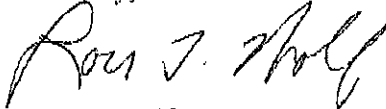
Avalon Village Green Associates has since constructed buildings which are in violation of the minimum distance of 40 feet, i.e. buildings 25 and 26 which are 10 feet from one another. Again, they started construction after the petition was made, and obviously before a ruling was made.

In addition, the required-posted sign was only present for 2 or 3 days, before it mysteriously disappeared. Therefore, most property owners are not even aware of this petition.

In the past the officers of the builder, Questar, have submitted letters to the zoning board voicing their approval of their own zoning requests. They have stated that they represent the homeowners. The builder is still in control of the HomeOwners Association. They do not consult with us, and in general do not reflect the opinions of the homeowners.

I request that you do not grant this variance. This is particularly relevant in light of the arrogance displayed by the builder in putting up structures which they already knew were in violation of zoning regulations.

Sincerely,



Lois T. Wolf  
Homeowner - Avalon East

Cc: Councilman Kevin Kamenetz  
VIA FAX - 410-887-5791

Howard Cohen  
12 Dinaden Circle  
Pikesville, MD 21208  
February 5, 2002

Lawrence Schmidt  
Zoning Commissioner of Baltimore County  
VIA FAX- 410-887-3468

RE: Case # 02-233-A  
Avalon Village Green Associates  
Petition for Variance

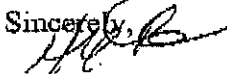
Dear Commissioner Schmidt:

Reference is made to the above-captioned case number wherein the petitioner is requesting a variance in the distance between facing windows.

The buildings in question have already been constructed in violation of zoning regulations, of the minimum distance of 40 feet ( the two buildings in question are only 10 feet from one another).

Most of the property owners of the Avalon East Development are not even aware of the petition as the required signs were only posted for 3 days. If a signed petition against this variance was allowed ( since most of the homeowners work) over 100 homeowners would not be in favor of your granting this variance.

I am requesting that hold the hearing at a convenient time so that all working homeowners can voice their objection, or if this is not possible I am requesting that the variance not be granted.

Sincerely,  
  
Howard Cohen

Cc: Avalon East Court Yard Assoc.  
Avalon East Townhouse Assoc.  
Avalon East Condo Assoc.  
Councilman Kevin Kamenetz  
VIA FAX- 410-887-5791

ho  
2/7

February 4, 2002  
28 Barbican Way  
Pikesville, MD 21208  
410-580-0673  
rcmusna@home.com

Lawrence Schmidt  
Zoning Commissioner of Baltimore County

VIA FAX - 410-887-3468

RE: Case #02-233-A  
Avalon Village Green Associates, LLC  
Petition for Variance

Dear Sir:

Reference is made to the above-captioned case number wherein the petitioner is requesting a variance in the distance between facing windows.

Avalon Village Green Associates has since constructed buildings which are in violation of the minimum distance of 40 feet, i.e. buildings 25 and 26 which are 10 feet from one another. Again, they started construction after the petition was made, and obviously before a ruling was made.

In addition, the required-posted sign was only present for 2 or 3 days, before it mysteriously disappeared. Therefore, most property owners are not even aware of this petition.

In the past the officers of the builder, Questar, have submitted letters to the zoning board voicing their approval of their own zoning requests. They have stated that they represent the homeowners. The builder is still in control of the HomeOwners Association. They do not consult with us, and in general do not reflect the opinions of the homeowners.

I request that you do not grant this variance. This is particularly relevant in light of the arrogance displayed by the builder in putting up structures which they already knew were in violation of zoning regulations.

Sincerely,



Ralph C. Morehead  
Homeowner - Avalon East  
President Avalon Condominium Association  
Cc: Councilman Kevin Kamenetz  
VIA FAX - 410-887-5791

L  
2/17

February 4, 2002  
10 Barbican Way  
Pikesville, MD 21208  
410-653-8446  
[rbkni@home.com](mailto:rbkni@home.com)

Lawrence Schmidt  
Zoning Commissioner of Baltimore County

**VIA FAX – 410-887-3468**

RE: Case #02-233-A  
Avalon Village Green Associates, LLC  
Petition for Variance

Dear Sir:

Reference is made to the above-captioned case number wherein the petitioner is requesting a variance in the distance between facing windows.

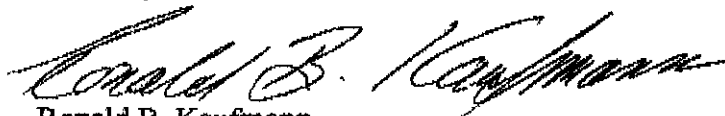
*Avalon Village Green Associates has since constructed buildings which are in violation of the minimum distance of 40 feet, i.e. buildings 25 and 26 which are 10 feet from one another. Again, they started construction after the petition was made, and obviously before a ruling was made.*

In addition, the required-posted sign was only present for 2 or 3 days, before it mysteriously disappeared. Therefore, most property owners are not even aware of this petition.

In the past the officers of the builder, Questar, have submitted letters to the zoning board voicing their approval of their own zoning requests. They have stated that they represent the homeowners. The builder is still in control of the HomeOwners Association. They do not consult with us, and in general do not reflect the opinions of the homeowners.

I request that you do not grant this variance. This is particularly relevant in light of the arrogance displayed by the builder in putting up structures which they already knew were in violation of zoning regulations.

Sincerely,



Ronald B. Kaufmann  
Homeowner – Avalon East

Cc: Councilman Kevin Kamenetz  
VIA FAX – 410-887-5791

mail

From: MannyKatzen@webtv.net.  
(Manny Katzen)

To: Lawrence Schmidt (Zoning Commissioner of Baltimore  
County) Feb. 5, 2002

Cc:

Subject: Case # 02-233-A Avalon Village Associates, LLC Petition  
for Variance

Dear Sir:

Avalon Village Green Associates posted a zoning hearing sign at the corner of Reisterstown Road and Avalon Way. The sign was posted for about 3 days and then was taken down. A motorist passing by that sign could not have possibly read it. You had to actually walk up to it. I am sure that most of the homeowners in the area were not able to see, much less read the sign, even when it was posted.

Being a condominium owner in a Questar built home in Avalon East adjacent to the building site, I was concerned as to its contents. I phoned the Zoning Commissioner office in Towson, and they were kind enough to mail me a copy of the petition requesting a variance in the distance between facing windows for 14 buildings in the Avalon Village Green complex.

It seems odd to me that the petition was issued on Dec 4, 2001 before construction started on those buildings. The buildings are now in an advanced stage of construction despite the hearing (requesting the variance) not yet occurring. The petition was made for reasons of hardship and practical difficulty. The buildings are now up, so what good is a variance request. It is already after the fact.

Sincerely,  
*Emanuel Katzen*  
Emanuel Katzen  
Homeowner at 6 Barbican Way  
Pikesville, Md. 21208

February 6, 2002

Mr. Lawrence E. Schmidt  
Zoning Commissioner  
County Courts Building  
401 Bosley Avenue, Ste. 405  
Towson, Maryland, 21204

Dear Mr. Schmidt;

On behalf of the Craddock Estates Homeowners Association, I am writing to express our concerns regarding:

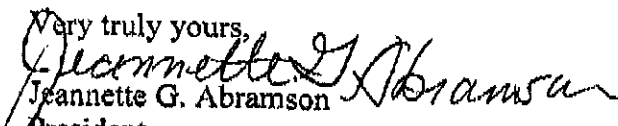
CASE--02-233-A -Avalon Village Green's Request for a Zoning Variance

Pursuant to the referenced requirements of December 20, 2001 to Avalon and set forth by Mr. Pat Keller, whereby he communicated to Mr. John Colvin the items placed on the Final Landscape Plan, please be aware as of today; there is no approved plan and Mr. Colvin has not begun any work directed or performed to meet these requirements. There is no reason or possibility for us to believe that it will be completed in the time frame set by the Baltimore County Office of Planning.

As the chief neighboring community that is the most negatively impacted by the Avalon development and suffering the loss of our pastoral buffer, the destruction of our 100 year old tree line and the hazard of existing trees that may still fall on our homes, the intrusion of traffic, lighting from cars, buildings and parking; the few accommodations we asked of the developer for the approval of the Landscape Plan are minutia by comparison. Yet, Mr. Colvin chooses to stonewall the County as well as the community at every turn

Therefore, we do not support any request for a variance on this property without a total understanding of its impact upon our community and precisely what he is requesting. We further request that due to his failure to perform that you advise him of what actions will be taken regarding his inaction. Also, we will understand that no action will be taken without our consultation and consent.

Very truly yours,

  
Jeannette G. Abramson

President

Craddock Estates Homeowners Assn.

cc. Keller

Ruppersberger

Kammenetz



Baltimore County  
Office of Planning

401 Bosley Avenue - Ste 406  
Towson, Maryland 21204  
410-887-3211  
Fax: 410-887-5862  
E-mail: planning@co.ba.md.us

February 11, 2002

Mr. John B. Colvin  
124 Slade Ave., Suite 200  
Baltimore, MD 21208

Subject: Final Landscape Plan, 10<sup>th</sup> Amended CRG-Plan for Avalon

Dear Mr. Colvin:

Based upon your letter dated January 18, 2002, and discussions with the residents of Craddock Estates the following comments, on the Final Landscape Plan for Avalon are provided. The items listed below were discussed and have been placed on the Final Landscape Plan, a copy of which is attached for your review. Copies will also be provided to Avery Harden, the Baltimore County Landscape Architect, Craddock Estates Homeowners Association, and Councilman Kevin Kammeritz.

1. The decorative wall should be a minimum six feet in height as measured from the top curb, north side of Greene Tree Road. This height may consist of actual walls, berming, wall capping, etc. The wall should be extended to cover the areas shown on the plan. Construction occurring on the small triangular piece of County owned property will be subject to a maintenance agreement by Avalon. Final construction of the wall should be completed by February 28, 2002. Drawings depicting the architectural quality of the wall need to be made prior to construction. Submit cross sections at 50' intervals to illustrate wall height in relation to road grade, grading and the adjacent single family dwellings.
2. Prepare a final grading plan for the area between the curb and Craddock Estates from the intersection of Old Craddock Lane, and the storm water management pond for review by the Office of Planning.
3. Landscaping as noted on the plan shall be provided. The landscaping has been shifted to mitigate in the blocking of headlight intrusion into Craddock Estates. All landscaping should be completed by April 15, 2002. It is recognized that the landscaping adjacent to Craddock Estates can only be completed when the storm water management pond is converted from a sediment control pond.

Post-Net Fax Note 7671		Date 2/13/02
To John Colvin	From Pat Keller	Page 2
Cd Craddock	Co	
Phone #	Phone # 410-887-3211	
Fax # 410-486-7652	Fax #	

Come visit to

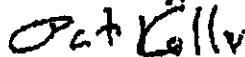


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4. Pillar type structures (that match wall design) that include a chain should be provided on Harvest Rush Road between Craddock Estates and Avalon. It is understood that access will only be provided for emergency vehicles and trash trucks.
5. Determination as to whether a board on board fence is needed for the rear yards of the Brown and Perr properties will be made by April 30, 2002. If a fence is deemed appropriate then construction of the fence should be completed within 30 days.
6. The proposed wall should be located at the right of way line (10' from face of curb). The sidewalk will be provided as shown.
7. Lighting of the four closest condominium buildings and associated parking lots shall have full cutoff luminaires.
8. Streetlights shall be changed to flat lens, full cutoff luminaires and relocated to the south side of Greene Tree Road.
10. No streetlights are proposed for Harvest Rush Road.
11. The resolution of Mr. Forgang's tree removal/pruning should be resolved by February 15, 2002. In the event of failure to reach an agreement staff will determine if the developer has acted in good faith. There was an agreement that some additional removal/pruning would be allowed in the forest reserve as agreed with DEPRM. Staff has delineated which trees will be removed and which shall remain. (See attached drawing, Exhibit A).
12. Staff will continue to monitor building permits and use and occupancy permits to assure that the time line is met. In addition, public use of Greene Tree Lane should not be allowed until all landscaping has been completed.

If you have any questions or require any additional information, please feel free to contact me at 410-887-3211 or [pkeller@co.ba.md.us](mailto:pkeller@co.ba.md.us).

Sincerely,



Pat Keller, Director  
Office of Planning

AFK/rk

Attachments: 3

cc: Councilman Kevin Kammentz  
Arnold Jablon  
Ed Adams  
David Carroll  
Avery Harden  
Craddock Estates Homeowners Association  
Brenda Payne  
Bob Bowling



**PETITIONER(S) SIGN-IN SHEET**

**ADDRESS**

ADDRESS 21204  
409 WASHINGTON AVE SR920

200 E Pennsylvania Ave 21204



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on Recycled Paper

### Case Number

02-233A

**PLEASE PRINT LEGIBLY**

## PROTESTANT'S SIGN-IN SHEET

[illegible]

MITCHELL J. NEUMAN  
3907 Esgarth Way  
Owings Mills, Maryland 21117  
(H) 410-998-9118 (W) 410-296-3333

**Education and  
Associations:**

High School Diploma, 1978, Milford Mill Sr. High School, Baltimore, Maryland. Bachelors Degree, Geography and Environmental Planning, Concentration in Urban Planning, 1983, Towson State University, Towson, Maryland. Masters Degree, Geography and Environmental Planning, Concentration in Urban Planning, Proficiency Certificate in Urban Planning, 1987, Towson State University. Member of Gamma Theta Epsilon (International Geographic Honor Society), 1985-1987. Member of American Planning Association, Present.

**Work Experience:**

**Daft-McCune-Walker, Inc.**

Zoning Specialist

August 2000

to

Present

**Responsibilities:** Testify at Zoning and Development Hearings within Baltimore County and other jurisdictions. Process Final Development Plans and Record Plats. Represent Company at Development Review Committee Meetings. Advise clients and staff on Zoning and Development Regulations. Manage projects that are Zoning Variance, Special Hearing, Special Exception, and Zoning Reclassification Requests

January 1988

to

August 2000

**Baltimore County Office of Permits and Development Management – Development Control** (formerly Baltimore County Zoning Office), Towson, Maryland

Planner II (January 1989 to Present)

Planning and Zoning Associate III (January 1988 to January 1989)

**Responsibilities:** Review, approve and sign on behalf of the Director Final Development Plans and Record Plats, in accordance with Baltimore County Zoning and Subdivision Regulations and County Review Group standards and comments. Approve County Review Group plans per Zoning Office compliance. Act as Zoning Office representative for Development Review Committee (DRC). Supervise Planning Associate II's and III's on special projects. Review petitions and site plans filed for zoning hearing approvals. Develop guidelines and checklists for approval procedures within Zoning Office. Operate computer terminal for final permit processing and approval. Meet with professionals and public on development projects to be approved by the County. Meet with other Baltimore County agencies on various projects. Act as Office representative at Economic Development meetings for special projects. Negotiate timelines with developers and engineers for select projects and act as "team leader" and project manager by supervising review staff to assure compliance and deadlines are met. Act as office coordinator on building permit intake for all work within tidal and non-tidal floodplains. Coordinate with the State on possible floodplain violations. Advise the public and other County agencies on State floodplain regulations and building codes. Revise the Zoning Commissioner's Policy Manual (ZCPM).

January 1987

to

January 1988

**Baltimore County Office of Planning and Zoning**

Planning and Zoning Associate II

**Responsibilities:** Assist the public with current zoning regulations and permit processing and approval. Review miscellaneous commercial site plans and permits for approval. Research previous zoning hearing cases for relating, pending permit applications. Approve new dwelling permits and minor residential permits for final approval.

January 1984

to

May 1986

**State Highway Administration, Baltimore, Maryland**

Planning Technician

**Responsibilities:** Data input and cost analysis for the Consolidated Transportation Program (CTP) and Interstate Cost Estimate (ICE). Review computer printouts for construction, planning and engineering costs for the aforementioned projects. Light drafting and engineering. Attend meetings with supervisor and computer programmer on ways to improve existing programs and implement new ones.

**Additional Education and Training:**

Community Relations Seminar – 10 hours, State Highway Administration, May, 1985

Project Management Seminar – 7 hours, Baltimore County permits and Licenses, April, 1994

Floodplain Management – 14 hours, FEMA, September, 1994

Forest Buffer Seminar – 2 hours, Daft-McCune-Walker, Inc., December, 2001

*Ref No 1*

THIS BOOKLET BELONGS TO:

*Robert K. Hohn*  
**PIK HOHN**

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TYPICAL SETBACKS  
GUIDE FOR PLANNING COMMISSION SUBDIVISIONS  
ANIMAL RELATED USES

COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES

3

# V.B.6.c. WINDOW TO WINDOW

\*REFERENCE SECTION  
1B01.2.C.2.b  
B.C.Z.R.

The minimum distance between any facing window of different dwelling units on the same subdivision must be 40 feet. See Figure 5-7. Facing windows are defined as two windows that face each other to the extent that one is visible through the other; or windows whose surfaces are either parallel or within the area formed by an acute angle of less than 75 degrees of the window surface.

[Exception to the window to window and the window to property line is made in cases where there is a door with 30% or less of the door area in glass, a high window where the sill is 5'-0" above finished floor, in cellar or basement window two feet or less in height, where architectural techniques such as clearstory or glass brick windows are used or where topography limits view.

Tinted or frosted glass panes are not considered as a permanent means of blocking vision.

A site design solution to the window to window distance would be to stagger the units as illustrated.

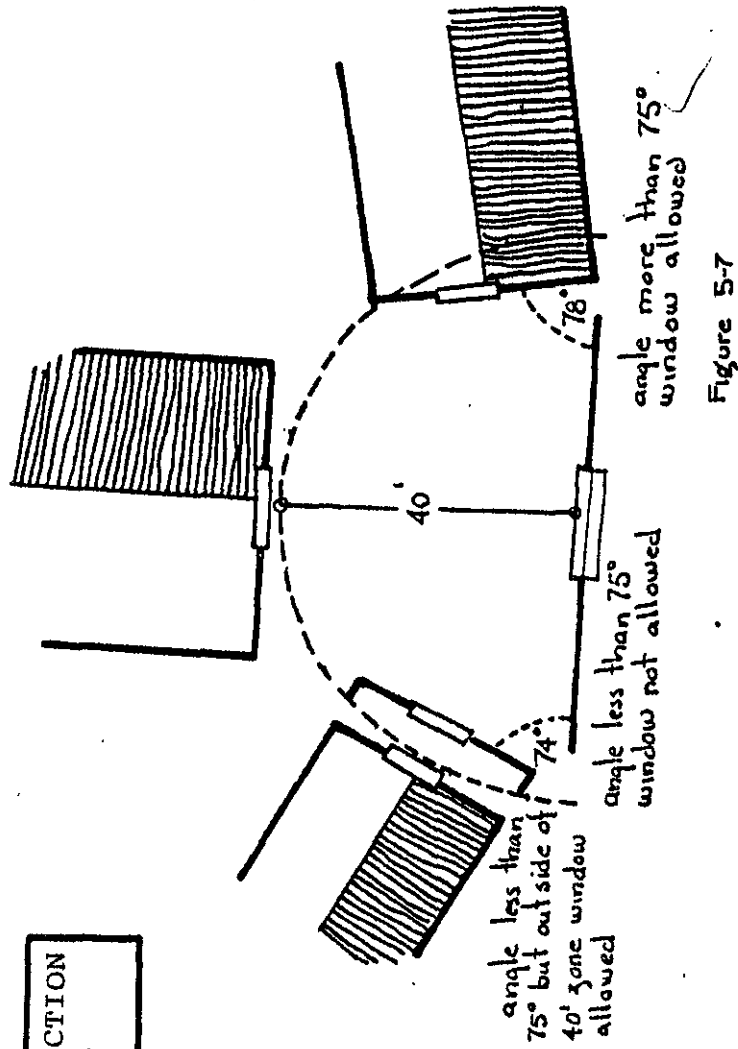
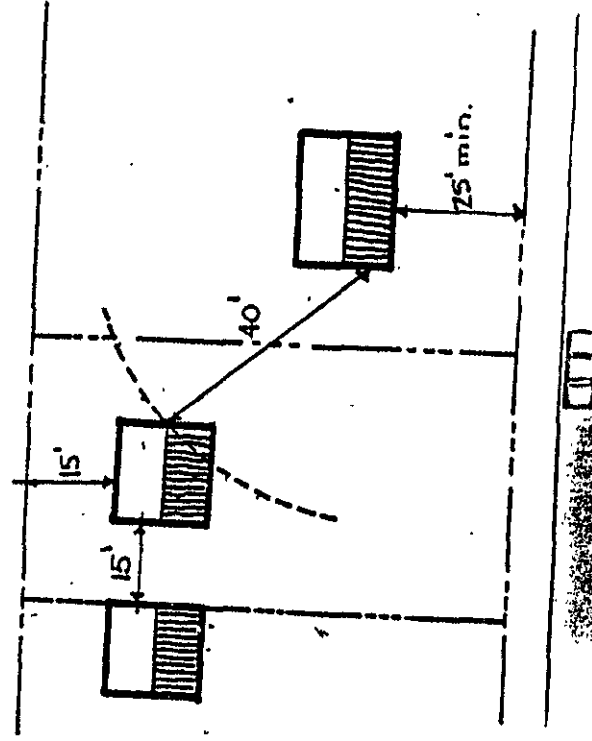
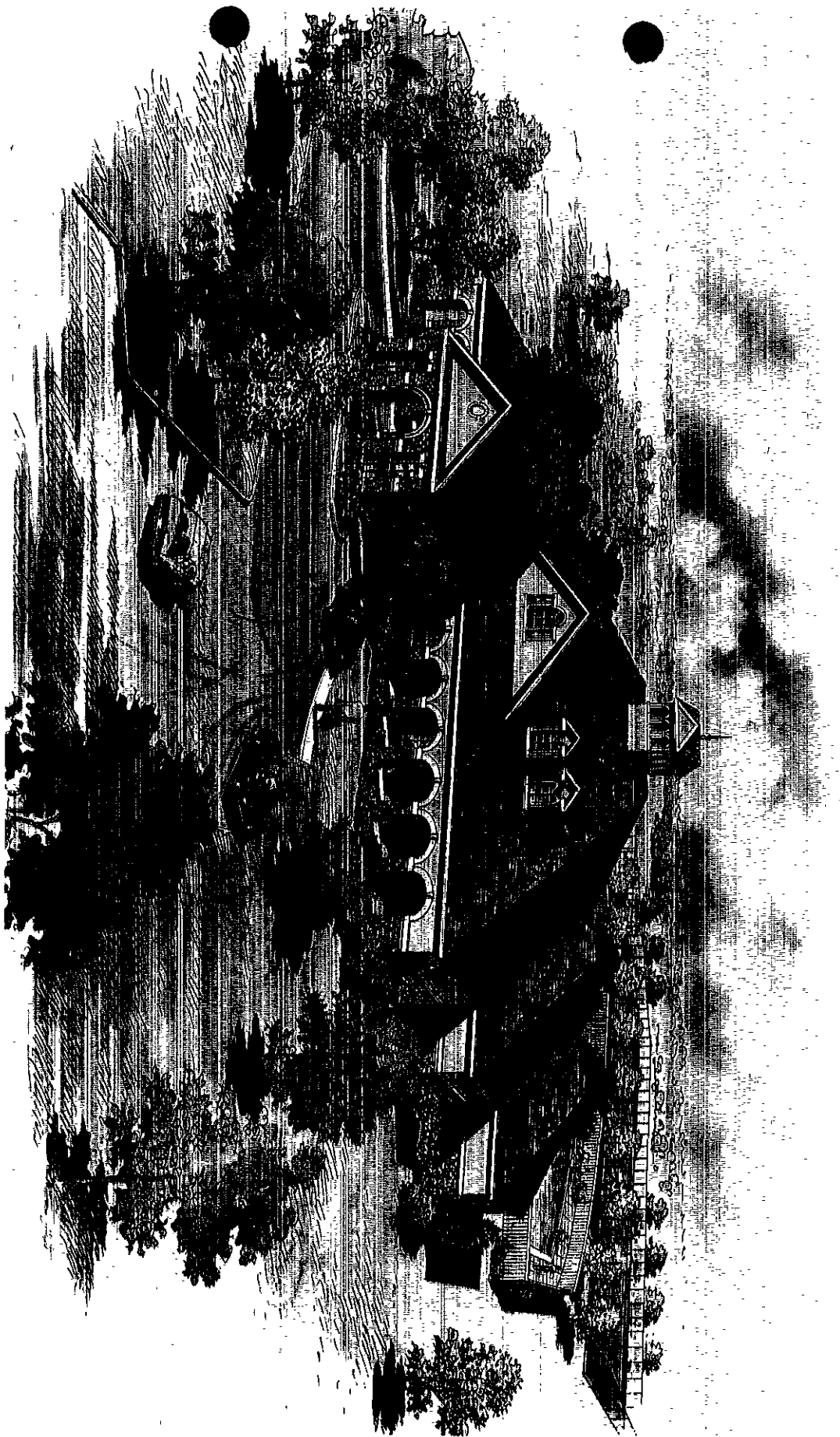


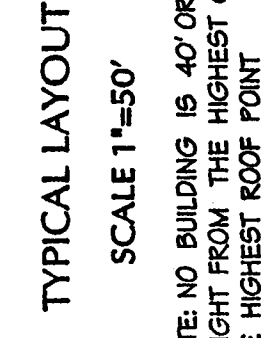
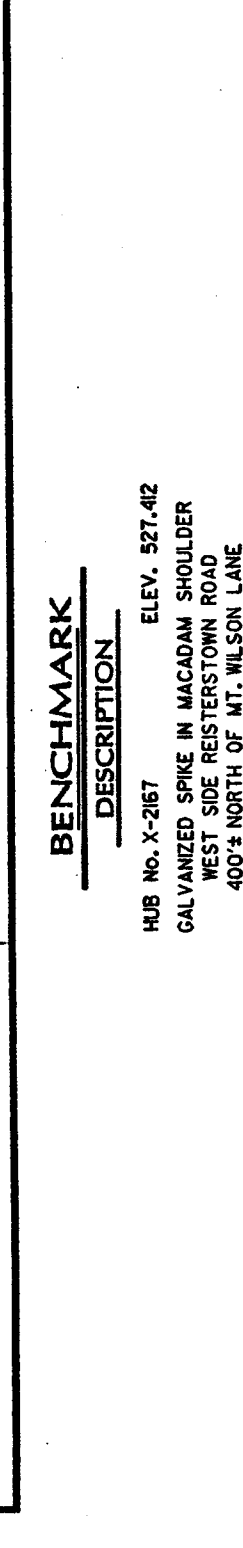
Figure 5-7











Total Area -  
Along River Road  
w/ NS Buildings = 10  
- minus sublet area -  
0.68 Ac not used as  
required by RRCS

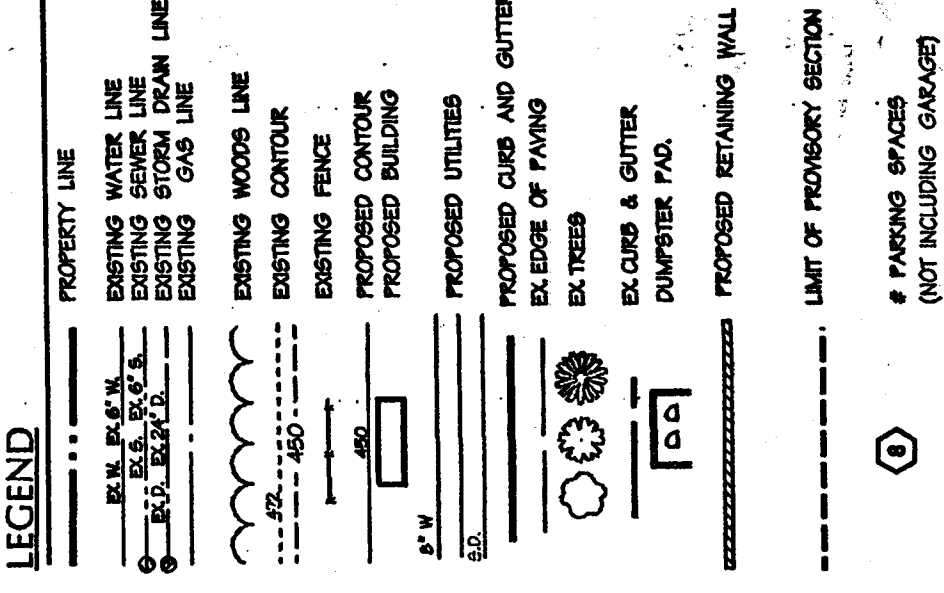
**DMW**  
Duff-McCune-Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21286  
(410) 296-3333  
(410) 296-4705  
Fax 296-4705

*A Team of Land Planners,  
Landscape Architects,  
Golf Course Architects,  
Engineers, Surveyors &  
Environmental Professionals*

### Plan to Accompany Petition for Zoning Variance Courts 6, 7, 8, 9A & 9B

[illegible]

filed w/ Petition 02-293A

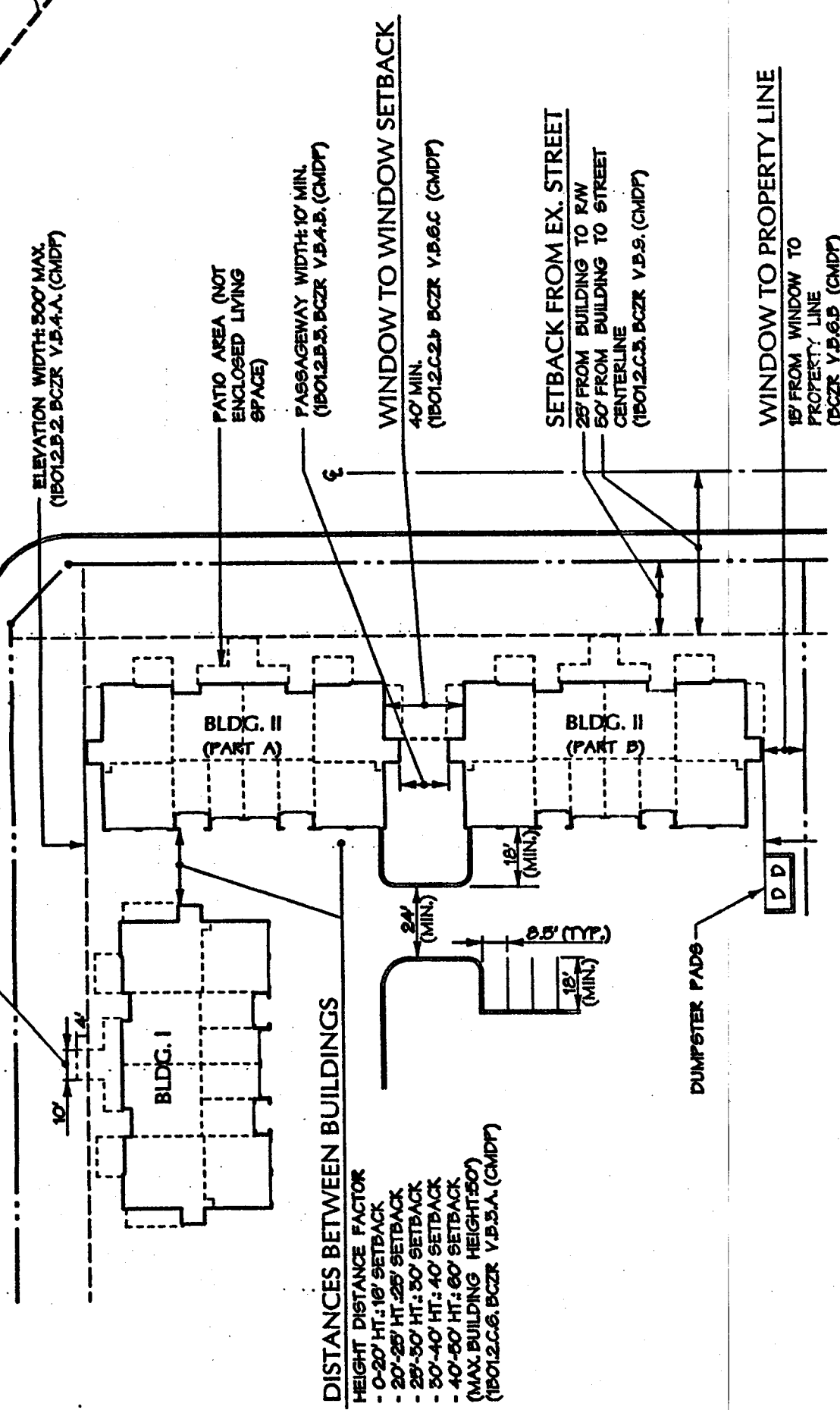


Zoning D R 3.5', 5.5', 10.5'  
0-2  
39 Acres  
255 units proposed  
1 - 148<sup>7</sup>Ac - 860 units  
860 proposed

Ref No

FACING WINDOW BUILDING NUMBER	VARIANCE DISTANCE (FEET)	REQUEST
6 AND 7	10' N LEU OF 40'	
11 AND 12	10' N LEU OF 40'	
14 AND 15	10' N LEU OF 40'	
17 AND 19	10' N LEU OF 40'	
19 AND 19	30' N LEU OF 40'	
21 AND 22	22' N LEU OF 40'	
25 AND 26	10' N LEU OF 40'	

13 Buildings Included in Variance	
29 Buildings Total / 16 w/o Variance	
38.86 AC / 255 units proposed	



**TYPICAL SETBACK**  
**SCALE 1"=50'**











